

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

XING ZHAO,

Plaintiff,

v.

TRADEGO FOREX EXCHANGE, *et al.*,

Defendants.

CASE NO. C23-1821-JCC

ORDER

This matter comes before the Court on Plaintiff's renewed motion for service by publication (Dkt. No. 22). Having thoroughly considered the accompanying affidavit and remaining record, the Court GRANTS the motion for the reasons explained herein.

Plaintiff previously moved for service by publication, (*see* Dkt. No. 12), which the Court denied without prejudice. (*See* Dkt. No. 13 at 5.) When considering such requests, the Court looks to the law of the state where the action is brought and/or where service is to be made. (*See id.* at 1–2.) At the time, Plaintiff believed that Defendant David Nielson resided in California and Defendant Ronald Greg Ameral in Arizona. In its prior order, the Court described California, Arizona, and Washington's service rules. (*Id.* at 2–5.) To serve by publication, each requires a showing of reasonable diligence in attempting in-person service (before alternative means are permitted). (*See id.*) In its prior order, the Court found that Plaintiff had not made this showing. (*Id.* at 5.)

1 In renewing his motion, Plaintiff provides the Court with a detailed affidavit describing
2 attempts to locate and serve Mr. Nielson. (Dkt. No. 22 at 1–3.) This establishes the diligence
3 necessary to seek service by publication. However, because Mr. Nielson’s current whereabouts
4 are unknown, (*id.*), the Court concludes service must be made in accordance with Washington
5 law. *See* Fed. R. Civ. P. 4(e)(1).

6 For the foregoing reasons, Plaintiff’s renewed motion for service on Mr. Nielson by
7 publication (Dkt. No. 22) is GRANTED. Plaintiff shall serve Mr. Nielson in accordance with
8 RCW 4.28.110. To allow Plaintiff time to do so, the Court EXTENDS the Rule 4(m) time to
9 serve Mr. Nielson by 90 days from the date of this order.

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11 It is so ORDERED this 14th day of November 2024.

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15 John C. Coughenour
16 UNITED STATES DISTRICT JUDGE
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